761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: March 31, 2011

OFFICE CORRESPONDENCE FILE NO. FO2243308

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: JOSEPH M. GOODEN, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY JOSEPH BARKER #[redacted]
DEPUTY FATIMA MACIAS-ESPLANA #[redacted]
COURT SERVICES - EAST, COMPTON COURT

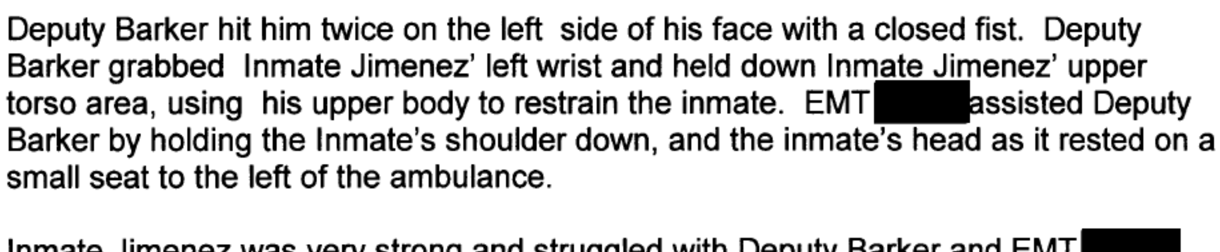
On May 7, 2009, personnel in the Compton Court lock-up area heard a loud banging noise coming from Cell "K," a temporary holding cell that is used to house male Hispanic Inmates while they are awaiting court proceedings. Personnel responded to Cell "K" and observed a male Hispanic Inmate, identified as Jaime Jimenez, standing at the inner gate of Cell "K," bleeding profusely from his forehead. Deputies escorted Inmate Jimenez out of Cell "K." Inmate Jimenez told the deputies he had been beaten up by inmates in Cell "K."

Deputies observed a two inch laceration on Inmate Jimenez' forehead and a laceration on his chin. Inmate Jimenez told deputies he would be willing to identify the inmates who had beaten him up.

When Inmate Jimenez found out he was not going to be released from jail on that particular day, and that he had a scheduled court appearance the next day, he refused to identify anymore of the inmates who assaulted him.

The Compton Fire Station Paramedics, Squad 441 arrived and treated Inmate Jimenez' injuries. Because Inmate Jimenez sustained a severe laceration to his head, paramedics determined he needed to be transported to the hospital via ambulance for additional medical care. Deputies Barker #[redacted] and Macias-Esplana #[redacted] were designated to accompany the victim to Lakewood Regional Hospital. Deputy Barker rode in the back of the ambulance with Inmate Jimenez and EMT [redacted] of Car Ambulance Company.

While in route to Lakewood Regional Hospital, Inmate Jimenez kicked his legs up in the air, thrust his body forward, and tried to grab Deputy Barker's gun from his holster.



Deputy Barker hit him twice on the left side of his face with a closed fist. Deputy Barker grabbed Inmate Jimenez' left wrist and held down Inmate Jimenez' upper torso area, using his upper body to restrain the inmate. EMT [redacted] assisted Deputy Barker by holding the Inmate's shoulder down, and the inmate's head as it rested on a small seat to the left of the ambulance.

Inmate Jimenez was very strong and struggled with Deputy Barker and EMT [redacted] Inmate Jimenez fought to get up from the gurney, kicking his legs, swinging his arm, thrusting his body, clawing with his fingers, and attempting to spit at personnel.

Deputy Macias-Esplana and EMT [redacted] joined Deputy Barker and EMT [redacted] in the back of the ambulance and struggled with Inmate Jimenez. Deputy Macias-Esplana helped Deputy Barker handcuff the inmate's left arm, she then helped to cuff the inmate's feet as EMT [redacted] restrained his feet. Once Inmate Jimenez was secured to the gurney, he continued to thrust and "buck" his body as if he was trying to jump off of the gurney. The deputies and EMT's had to hold the inmate's body down on the gurney. The struggled ensued for approximately ten minutes.

EMT [redacted] requested that the deputies call for back-up, because he did not want to continue on to the hospital until there was sufficient personnel to secure Inmate Jimenez to the gurney. Deputy Macias Esplana requested back-up. After about four minutes had gone by with Inmate Jimenez continuing to struggle, EMT [redacted] requested via his dispatch that LA County Fire Department respond because they would have the equipment to strap the inmate down to the gurney.

While waiting they noticed that he stopped fighting. He then urinated on himself. The EMT's checked his vital signs and determined that Inmate Jimenez was unconscious. The EMT's immediately began CPR and continued until paramedics and extra deputy personnel arrived four minutes later. Inmate Jimenez was pronounced dead on arrival at Lakewood Regional Hospital.

On March 24, 2011 the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Joseph Barker #[redacted] Deputy Fatima Macias-esplana #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by Deputies Joseph Barker #[redacted] Fatima Macias-Esplana #[redacted] in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:RSP/rsp

FO2243308

Table of Contents

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 009-115491-366-058	Date: 5/7/09	Time: 1810 Hours	
Location: Alondra Boulevard/Orange Avenue		City or Station: Paramount	
Bureau/Station/Facility: Court Services East/ Compton Court		Admin. Investigation: YES [X] NO [ ]	
Type of Force: Significant-Personal Weapons, Suspect Deceased			
Deputy Injury : YES [ ] NO [X]	Suspect Injury YES [X] NO [ ]		
[ ] Call	[ ] Observation	[X] Detail	[ ] Foot Pursuit [ ] Vehicle Pursuit
IAB Notified: YES [X] NO [ ]	Person Notified:	Emp:	IAB Roll Out: YES [X] NO [ ]

Involved Employee

E 1

Employee #: [redacted]	Last Name: Barker	First Name: Joseph	Middle Name:
Sex: [X] Male [ ] Female	Race: White	Unit of Assignment: Court Services East/ Compton Court	Work Assignment (Unit #, Module, etc.): Court Lock-up
Shift: [ ] EM [ ] Day [X] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	Age:	Height: / Weight:
[ ] Injured [ ] Treated [ ] Admitted	Hospital:	Coroner Case #	Directed Force [ ] Significant Force [X]

E 2

Employee #: [redacted]	Last Name: Macias-Esplana	First Name: Fatima	Middle Name:
Sex: [ ] Male [X] Female	Race: Hispanic	Unit of Assignment: Men's Central Jail	Work Assignment (Unit #, Module, etc.):
Shift: [X] EM [ ] Day [ ] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	Age:	Height: / Weight:
[ ] Injured [ ] Treated [ ] Admitted	Hospital:	Coroner Case #	Directed Force [ ] Significant Force [X]

E_

Employee #:	Last Name:	First Name:	Middle Name:
Sex: [ ] Male [ ] Female	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
Shift: [ ] EM [ ] Day [ ] PM	[ ] Regular Shift [ ] OT Shift [ ] Off Duty	Age:	Height: / Weight:
[ ] Injured [ ] Treated [ ] Admitted	Hospital:	Coroner Case #	Directed Force [ ] Significant Force [ ]

[ ] Additional Involved Employees

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
				Sgt.	YES [ ] NO [X]	YES [ ] NO [X]
					YES [ ] NO [ ]	YES [ ] NO [ ]

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name

Watch Commander

Emp. #	Last Name	First Name	Middle Name

Watch Commander (**Print Name**) | Watch Commander's **Signature**: | Emp #: | Date

Sergeant Brenda Parker [redacted]

Supervisor Completing Form: (**Print Name**) | Emp #: | Copy Provided to Employee by: | Emp #:

Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only

FO#

Hybrid Form SH-R-438P (Rev. 11/07)

Original: Discovery Unit
Copy: Unit Commander

SUSPECT INFORMATION

0 0 9 - 1 1 5 4 9 - 1 3 6 6 - 0 5 8

Suspect Information

S 1

Last Name	Jimenez	First Name	Jaime	Middle Name	
AKA Last Name		First Name		Middle Name	

Sex: [X] Male [ ] Female | Race: Hispanic | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Ph[redacted] | Age: 42 | Height: 508 | D.O.B. 06/06/1966 | Weight: 190 | Armed? [ ]

Booking #: 1896614 | Primary Charge Code: | Secondary Charge Code: 245(A)(1) P.C. | Criminal History [redacted]

EMT in attendance? [X] YES [ ] NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? [ ] Rec'd Treatment At: ______ Coroner Case #: 2009-03252 Mental History [X]

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: [ ] YES [X] NO Substance: ______ Mental Illness [X]

Suspect Interview

Date: Suspect/Victim not interviewed | Time: | Audiotape: [ ] | Videotape: [ ] | Photos of Injuries: [X]

Suspect Information

S 2

Last Name	Garcia	First Name	Johnny	Middle Name	
AKA Last Name		First Name		Middle Name	

Sex: [X] Male [ ] Female | Race: Hispanic | Street Address: [redacted] | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. 12/28/1985 | Weight: | Armed? [ ]

Booking #: 1488438 | Primary Charge Code: | Secondary Charge Code: 245(A)(1) P.C. | Criminal History [X]

EMT in attendance? [ ] YES [ ] NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? [ ] Rec'd Treatment At: ______ Coroner Case #: ______ Mental History [ ]

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: [ ] YES [X] NO Substance: ______ Mental Illness: [ ]

Suspect Interview

Date: | Time: | Audiotape: [X] | Videotape: [ ] | Photos of Injuries: [ ]

Suspect Information

S 3

Last Name	Ortiz	First Name	Randy	Middle Name	
AKA Last Name		First Name		Middle Name	

Sex: [X] Male [ ] Female | Race: Hispanic | Street Address: [redacted] | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? [ ]

Booking #: 1487640 | Primary Charge Code: | Secondary Charge Code: | Criminal History [X]

EMT in attendance? [ ] YES [ ] NO Name: ______ Unit ______ Phone #: ______

Hospital Admission? [ ] Rec'd Treatment At: ______ Coroner Case #: ______ Mental History [ ]

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: [ ] YES [X] NO Substance: ______ Mental Illness [ ]

Suspect Interview

Date: | Time: | Audiotape: [X] | Videotape: [ ] | Photos of Injuries: [ ]

[ ] Additional Suspects Involved

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name

Non-Employee Witnesses

Last Name [redacted]	First Name [redacted]	Middle Name	Age [redacted]	D.O.B. [redacted]
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph. [redacted]	Home Ph. [redacted]
Last Name [redacted]	First Name [redacted]	Middle Name	Age [redacted]	D.O.B.
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph. [redacted]	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.

☐ Additional Witness

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Jimenez, Jaime	S#1	Barker, Joseph	E#1	UC,RS,PK,PH	NN	
Barker, Joseph	E#1	Jimenez, Jaime	S#1	PH,RH,	DH	
Jimenez, Jaime	S#1	Macias-Esplana	E#2	UC,RS,PK,PH	NN	
Macias-Esplana	E#2	Jimenez, Jaime	S#1	RH	DH	

INVESTIGATIVE SUMMARY
USE OF FORCE - PERSONAL WEAPONS
IAB CASE NUMBER: FO2243308
URN NUMBER: 009-11549-1366-058

On May 7, 2009, personnel in the Compton Court lock-up area heard a loud banging noise coming from Cell "K," a temporary holding cell that is used to house male Hispanic Inmates while they are awaiting court proceedings. Personnel responded to Cell "K" and observed a male Hispanic Inmate, identified as Jaime Jimenez, standing at the inner gate of Cell "K," bleeding profusely from his forehead. Deputies escorted Inmate Jimenez out of Cell "K." Inmate Jimenez told the deputies he had been beaten up by inmates in Cell "K."

IAB Note: See exhibit "B," photograph of Inmate Jimenez after he was beaten by inmates in Cell "K."

Deputies observed a two inch laceration on Inmate Jimenez' forehead and a laceration on his chin. Inmate Jimenez told deputies he was dizzy and lightheaded. He also told deputies he would be willing to identify the inmates who had beaten him up.

While waiting for paramedics to respond and administer medical attention, Inmate Jimenez began identifying the inmates who assaulted him. When Inmate Jimenez found out he was not going to be released from jail on that particular day, and that he had a scheduled court appearance the next day, he refused to identify anymore of the inmates who assaulted him.

The Compton Fire Station Paramedics, Squad 441 arrived and treated Inmate Jimenez' injuries. Because Inmate Jimenez sustained a severe laceration to his head, paramedics determined he needed to be transported to the hospital via ambulance for additional medical care. Deputies Barker #[redacted] and Macias-Esplana #[redacted] were designated to accompany the victim to Lakewood Regional Hospital. Deputy Barker rode in the back of the ambulance with Inmate Jimenez and EMT [redacted] of Car Ambulance Company.

While in route to Lakewood Regional Hospital, Inmate Jimenez became combative, agitated and uncooperative. He kicked his legs up in the air, thrust his body forward, and tried to grab Deputy Barker's gun from his holster. Deputy Barker swept Inmate Jimenez' hand away from his weapon and hit him twice on the left side of his face with a closed fist. Deputy Barker grabbed Inmate Jimenez' left wrist and held down Inmate Jimenez' upper torso area, using his upper body to restrain the inmate. EMT [redacted] assisted Deputy Barker by holding the Inmate's shoulder down, and the inmate's head as it rested on a small seat to the left of the ambulance.

Inmate Jimenez was very strong and struggled with Deputy Barker and EMT [redacted] Inmate Jimenez fought to get up from the gurney, kicking his legs, swinging his arm, thrusting his body, clawing with his fingers, and attempting to spit at personnel. Once Inmate Jimenez started thrusting his body and fighting wildly in order to escape, the cut on his head started

bleeding profusely.

Deputy Macias-Esplana and EMT [redacted] joined Deputy Barker and EMT [redacted] in the back of the ambulance and struggled with Inmate Jimenez to secure him to the gurney. Deputy Macias-Esplana helped Deputy Barker handcuff the inmate's left arm, she then helped to cuff the inmate's feet as EMT [redacted] restrained his feet. Once Inmate Jimenez was secured to the gurney, he continued to thrust and "buck" his body as if he was trying to jump off of the gurney. Although Inmate Jimenez' limbs were restrained with cuff, the deputies and EMT's had to hold the inmate's body down on the gurney. The struggled ensued for approximately ten minutes.

EMT [redacted] requested that the deputies call for back-up, because he did not want to continue on to the hospital until there was sufficient personnel to secure Inmate Jimenez to the gurney as he drove to the hospital. Deputy Macias Esplana requested back-up. After about four minutes had gone by with Inmate Jimenez continuing to struggle, EMT [redacted] requested via his dispatch that LA County Fire Department respond because they would have the equipment to strap the inmate down to the gurney.

While waiting for back-up and continuing to restrain Inmate Jimenez, they noticed that he stopped fighting all of a sudden. He then urinated on himself. The EMT's checked his vital signs and determined that Inmate Jimenez was unconscious. The EMT's immediately began CPR and continued until paramedics and extra deputy personnel arrived approximately four minutes later. Inmate Jimenez went into full cardiac arrest in the back of the ambulance and was pronounced dead on his arrival to Lakewood Regional Hospital.

IAB Note: Refer to exhibit "D" for photograph of the inside of the ambulance, where the incident occurred.

INVOLVED PERSONNEL

BARKER, Joseph, Deputy Sheriff, #[redacted]
Court Services Division East Bureau
Compton Court

Work History

Date of Employment: 01/07/2008
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Founded Force Incidents: [redacted]

MACIAS-ESPLANA, Fatima, Deputy Sheriff, #[redacted]

Custody Division
Men's Central Jail

Work History

Date of Employment: 06/10/2007
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Founded Force Incidents: [redacted]

SUSPECT/VICTIM

JIMENEZ, Jaime, MH/42, DOB: 06/06/66, (Deceased)
[redacted]

Suspect/Victim Jimenez was [redacted] He had a history of mental problems but was not currently being treated for such.

> IAB Note: Refer to **Exhibit "A"** for further information regarding Suspect/Victim Jimenez.

SUSPECTS

GARCIA, Johnny, MH/24 DOB: 12/28/85, Booking #1488438

Suspect Garcia's criminal history (CCHRS) shows he has [redacted]

> **IAB Note: Refer to Exhibit "A," pages 141-165 for further information.**

ORTIZ, Randy, MH/25 DOB: 04/23/84, Booking #1487640

Suspect Ortiz' criminal history (CCHRS) shows he has [redacted]

IAB Note: Refer to Exhibit "A," pages 127-140 for further information.

EMPLOYEE WITNESSES

TACK, Lawrence, Deputy Sheriff, #[redacted]

OPINA, Ismael, Deputy Sheriff, #[redacted]

ROSALES, Daniel, Deputy Sheriff, #[redacted]

THOMAS, Makeba, Custody Assistant, #[redacted]

GARCIA, Ed, Deputy Sheriff, #[redacted]

COVARUBIAS, Omar, Deputy Sheriff, #[redacted]

NON-EMPLOYEE WITNESSES

[redacted] (EMT)
[redacted] (EMT)

INMATE WITNESSES

[redacted]


[redacted]

INJURIES

Inmate Jimenez sustained facial/head trauma, facial lacerations, abrasions and complained of dizziness and lightheadedness.

IAB Note: See Exhibit "A" pages 71-78 for detailed information regarding Inmate Jimenez' injuries.

PHYSICAL EVIDENCE

IAB Note: See Exhibit "A" for Crime Scene Investigator's reports, pages 65-70, Diagram, and one compact disk containing all photographs taken by Crime Scene Investigators.

INVESTIGATOR OBSERVATIONS

IAB Investigators reviewed photographs, radio transmissions, and sat in on witness interviews conducted at the scene by Homicide Investigators.

Radio transmissions revealed the following: Request for back-up RE: Deputy involved in a fight with patient in back of ambulance, and inmate unconscious, were both received via request of EMT [redacted]

WEAPONS USED BY DEPUTY PERSONNEL

Personal weapons: Deputy Barker used his left fist to strike the suspect on the left side of his face twice. He used both hands to restrain Inmate Jimenez' left arm and used his upper body to restrain Inmate Jimenez on the gurney. Deputy Macia-Esplana used her hands to handcuff Inmate Jimenez' arm and ankles, and to restrain his legs and hip area.

WEAPONS USED BY THE SUSPECTS

The suspect was uncooperative and resistive. He used personal weapons; hands and feet.

PROPERTY DAMAGE

None.

CRIMINAL INVESTIGATOR/CHARGES FILED

No criminal charges were filed

LIGHTING AND WEATHER CONDITIONS

The incident occurred inside of an ambulance. The lights were on inside the ambulance, and the area was well lit.

INVOLVED EMPLOYEE STATEMENTS

BARKER, Joseph

Deputy Barker said that on May 7, 2009, he was working in the Compton Court lock-up area, in the control booth. He said he heard loud pounding coming from the "K" tank, which is the Hispanic tank. He said one of the Custody Assistants and a deputy walked over to the door of the "K" tank. He said they opened the door and took a male Hispanic inmate out and identified him as Inmate Jaime Jimenez. He said the inmate was bloody and had a laceration on his forehead. Deputy Barker said the inmate said, "They beat me up. They beat me up." Deputy Barker said they moved the inmate to an interview room so they could determine what happened to him. He said that once the inmate was in the interview room, they asked him what was going on. Deputy Barker said Inmate Jimenez kept saying, "They beat me up."

Deputy Barker said he and other Deputies went into "K" tank to try to figure out who was responsible for assaulting Inmate Jimenez. He said they had all of the inmates sit down and take off their shirts. He said they started looking for anybody that looked like they had been involved in a fight. He said they looked for bloody knuckles, red nuckcles, cuts, and heavy breathing. Deputy Barker said they identified two inmates that were possibly involved. He said they handcuffed the two inmates and put them in separate cells so they could be interviewed in order to find out what happened.

IAB Note: See Exhibit "C" for photographs of the two inmates suspected of beating Inmate Jimenez.

Deputy Barker said after the two suspected inmates were taken out of the cell (K-tank), he

went over to where Inmate Jimenez was and talked with him along with other deputies, to find out what happened. Deputy Barker said he was standing with the victim when deputies walked the two suspected inmates down the hallway so the victim could see them. He said the victim identified the second inmate as being one of the inmates that was hitting him. Deputy Barker said the inmate was not sure if the first inmate was involved, but he wanted the deputies to lift up the first inmate's shirt, so he could see the inmate's tattoo on his stomach. Deputy Barker said after Inmate Jimenez looked at the tattoo, he said he was not sure if that particular inmate was involved.

Deputy Barker said Inmate Jimenez was talking, going back and forth between Spanish and English. He said Inmate Jimenez said, "that looks like the guy that did it, but I don't wanna do anything. They'll just get me on the streets anyway."

Deputy Barker said after they finished showing the suspects to Inmate Jimenez, he and Deputy Tack went to "K-tank" and pulled out each inmate one at a time and walked him to a different cell. He said as they walked each inmate, they asked him if he had seen anything. Deputy Barker said that every Inmate said they were either asleep or they didn't see anything. Deputy Barker said they then put all of the inmates back into the "K tank." He said after all the inmates were back in the "K-tank," he went back to sit with Inmate Jimenez. He said Compton Fire Department showed up and started giving Inmate Jimenez medical attention. He said that the paramedics said Inmate Jimenez needed stitches or have his cuts glued together. Deputy Barker said he went to get suited up, in order to go to the hospital with the inmate.

Deputy Barker said after he finished getting suited up and returned to the lock up area, Inmate Jimenez had already been loaded into the ambulance and Deputy Rosales was guarding the inmate and ambulance. Deputy Barker said he got into the ambulance and saw that Inmate Jimenez' right hand was handcuffed to the gurney. He said Inmate Jimenez was sitting on the gurney at a 45 degree angle and his left hand was free. He said he sat to the left of Inmate Jimenez, on a bench which faced the inmate. Deputy Barker said the EMT, [redacted] sat in a chair behind Inmate Jimenez' head.

Deputy Barker said as the ambulance was in route to the hospital, He was trying to ask Inmate Jimenez some questions in order to write a report. He said Inmate Jimenez was non- responsive, he didn't make any comments, and the inmate ignored him. He said Inmate Jimenez kept touching the cuts on his face and neck. Deputy Barker said the inmate did not make any comments to him at all. Deputy Barker said he told Inmate Jimenez to stop touching his face, but the inmate continued picking at his wounds.

Deputy Barker said since Inmate Jimenez did not want to talk to him, he figured he would wait until they arrived at the hospital and ask the inmate some more questions once he got "checked out." Deputy Barker said he was talking with EMT [redacted] when Inmate Jimenez kicked his feet in the air, and tried to sit up, as if he were trying to jump out of bed. Deputy Barker said Inmate Jimenez continued to kick his legs up in the air in a bucking motion, like he was going to try to hop up. He said Inmate Jimenez then sat up and reached toward

his (Deputy Barker's) right side, with his (Inmate Jimenez') left hand, crossing over Deputy Barker's left side. Deputy Barker said at that point, he feared Inmate Jimenez was reaching for his gun. Deputy Barker said he swept Inmate Jimenez' hand down, and punched him twice on the left side of his face with his right hand. Deputy Barker said he was able to gain control of the inmate's left arm. He said he pushed the inmate's left arm down and held his body down with his own upper body. Deputy Barker said EMT [redacted] "got onto" the inmate's head and was pushing it down to the side.

Deputy Barker said the driver of the ambulance stopped the ambulance in the intersection of Alondra Blvd. and Orange Avenue in Paramount. He said the driver of the ambulance got out and ran around to the back of the ambulance and got in. Deputy Barker said his partner, Deputy Macias-Esplana, then got out of her radio car and into the ambulance. Deputy Barker said all four of them struggled with Inmate Jimenez, to get him under control. He said he was holding down the inmate's left arm with his left hand, and he was holding down the inmate's upper shoulder area with his right hand. He said Deputy Macias-Esplana was handcuffing the inmates left arm down to the left side of the Gurney, and he was helping her get the handcuff on.

Deputy Barker said the ambulance driver, EMT [redacted] was holding the inmate's feet because the inmate was kicking wildly, and EMT [redacted] had the inmate's head pressed down on the small seat on the right side of the gurney. Deputy Barker said the inmate continued to struggle. He said once the inmate was handcuffed, Deputy Macias-Esplana and the EMT [redacted] started using plastic "wrist wraps" to tie down the inmate's legs. He said eventually, Deputy Macias-Esplana was able to handcuff the inmate's ankles together and the plastic "wrist wraps" connected to the cuff and held the inmate's legs down.

Deputy Barker said Deputy Macia-Esplana and the driver switched sides. He said now the driver was holding the inmates's feet, and Deputy Macias-Esplana was standing near the inmate's thigh and hip area. He said he was holding the inmate's arm, and EMT [redacted] was holding the inmate's head and shoulder area.

Deputy Barker said after the inmate was restrained, he continued to resist. He said the inmate kept moving his body and fighting. He said the inmate was trying to sit up, reach over, and he kept trying to claw and grab their hands. He said EMT [redacted] continued to hold the inmate's head down on the small seat, and at that point they called for back-up because the ambulance driver did not want to leave that spot until there was a second deputy to ride to the hospital in the ambulance. He said Deputy Macias-Esplana called the supervisor to let him know they needed another deputy to assist. He said the supervisor said he was going to come out to the scene.

Deputy Barker said after notifying the supervisor, they were still restraining Inmate Jimenez. He said all of a sudden, Inmate Jimenez stopped struggling and got real quiet, and didn't make any sounds. He said heard Deputy Macias-Eplana say that Inmate Jimenez had "peed" on himself. He said the EMT"s began checking the inmates's vitals. He said EMT [redacted] saw that Inmate Jimenez did not have a pulse and the EMT's started

to do CPR.

Deputy Barker said EMT [redacted] was calling for help and said "they can't find us because our G.P.S. isn't working." Deputy Barker said EMT [redacted] asked him to get a hold of the L.A. County Fire Department. Deputy Barker said he tried to get a hold of SCC via his hand held radio, but his radio had a lot of static and he was not able to communicate. He said he tried to contact SCC from the radio car radio as well, and had the same problem. Deputy Barker said he didn't know if SCC heard his request. He said the LA County Fire Department and their supervisor Senior Ed Garcia, arrived at the same time, a short time later. Deputy Barker said he and Deputy Macias-Esplana stayed at the scene and were ultimately transferred to Lakewood Station.

IAB Note: See Deputy Barker's verbatim transcript for further information.

MACIAS-ESPLANA, Fatima

Deputy Macias-Esplana said she was working in the Compton Court lock-up, assisting with releases. She said she heard banging coming from Cell "K," which is where they hold all Hispanic inmates. She said that she, along with CA Thomas went to go see what was going on. She said they opened the door and saw an inmate with a bloodied face. She said they took the inmate out and separated him from everyone else, and put him into an interview room. Deputy Macias-Esplana said she went into the K Tank along with Deputy Tack and Deputy Barker to conduct an investigation, to see if anyone had bloody knuckles, shirts, or something that would show signs that they were involved in a fight.

Deputy Macias-Esplana said they took two inmates out of the" K" Tank and separated them and continued to conduct their search. She said they pulled out all of the other inmates one by one. She said they asked them what they saw, and all of them said they were tired and didn't see anything because they were asleep.

Deputy Macias-Esplana said they then spoke with the other two inmates that were initially taken out of the cell. She said they said the gentlemen, referring to Inmate Jimenez, had gotten them wet, and they got into a verbal altercation. She said the inmate named Johnny Garcia said he punched Inmate Jimenez in the face and he started bleeding. She said the two inmates said that Inmate Jimenez then started banging on the cell door.

Deputy Macias-Esplana said they called Compton Fire Department in order to treat Inmate Jimenez. She said the Fire Department determined that the cut on Inmate Jimenez' head was pretty deep and was going to require stitches. She said the Fire Department advised that they were going to transport the inmate to the hospital. She said she suited up, along with her partner Deputy Barker, so they could accompany Inmate Jimenez to the hospital.

Deputy Macias-Esplana said she was driving a Black and White Radio car, following the ambulance, and Deputy Barker was riding in the back of the ambulance with Inmate Jimenez. She said they were traveling eastbound on Alondra Blvd. She said they were stopped at Orange Avenue and Alondra Blvd., waiting for the light to turn green. She said all of a sudden, she saw the ambulance driver jump out of the ambulance and tell her to, "Get in here," referring to the inside of the ambulance. She said he said, "We need You." Deputy Macias-Esplana said she put her car in park and jumped into the ambulance. She said she saw that her partner had blood on his shirt, and he and the other EMT were struggling to contain the inmate. She said they were trying to keep the inmate on the Gurney. She said the inmate was kicking his legs, trying to get up from the Gurney, and struggling aggressively.

Deputy Macias-Esplana said that Deputy Barker communicated that the inmate's left hand was un-cuffed. She said she grabbed her cuffs and struggled to get Inmate Jimenez' arm. She said she and Deputy Barker were able to get the inmates left arm cuffed to the Gurney. She said while they were cuffing the inmate's arm, he was kicking his feet at the ambulance driver, who was struggling to keep the inmate's feet down. She said the ambulance driver wanted to cuff the inmates feet in order to control his kicking. She said he asked her if her handcuffs would fit around the inmate's ankles. She said she went to the inmate's legs and used her handcuffs to cuff the inmate's ankles together. She said the ambulance driver was then able to put some type of restraint device through the cuffs, and that's the only way they were able to keep the inmate's legs down.

Deputy Macias-Esplana said the inmate continued to struggle and wiggle, trying to get up from the Gurney and escape. She said she told him in Spanish to stop resisting, because they needed to transport him. She said he kept saying, "Okay I give up, I give up, I surrender," but he was fighting the entire time, and never stopped struggling.

Deputy Macias-Esplana said the ambulance driver decided they should call for back-up because he was not going to move until they had an additional one or two Deputies in the back of the ambulance. Deputy Macias-Esplana said she stepped to the side and used her cell phone to call for back-up and to explain to Sergeant Burton what was going on. She said he said he was sending back-up. She said she went back to help calm the inmate down. She said they kept telling the inmate to calm down, and to relax , that they needed to get him to the hospital. She said the inmate continued to struggle and that she was trying to keep the inmate's knees down. She said the ambulance driving became impatient and requested that she call to check on their back-up. She said she called and was advised that Senior Garcia and Deputy Cobarrabais were already in route and they should be there soon.

Deputy Macias-Esplana said the inmate continued to struggle and about ten minutes had gone by. She said the ambulance driver requested that she call the LA County Fire Department because they might arrive sooner than their back-up and he wanted to get the inmate restraint across the inmate's chest tied to the Gurney to keep the inmate secured so they could continue to Lakewood Regional Hospital. She said Deputy Barker called

SCC on his radio to request the LA County Fire Department.

Deputy Macias-Esplana said while waiting for back-up, or the fire department, she noticed the inmate was peeing on himself. She said she told the others that he was peeing, and they realized that he had stopped struggling. She said the EMT started checking his vitals and they couldn't find any. She said the EMT's started doing CPR and the paramedics and their back-up arrived shortly afterwards.

Deputy Macias-Esplana said she did not see Deputy Barker or either of the EMT's hit Inmate Jimenez. She said they only struggled with him, restraining his arms, legs, and body. She said she was still in her vehicle at the time Inmate Jimenez attempted to take Deputy Barker's gun.

IAB Note: See Deputy Macias-Esplanas' verbatim transcript for further information.

WITNESSES STATEMENTS

Sworn Witnesses

TACK, Lawrence

Deputy Tack said he was in the control booth when he heard a loud series of knocks coming from the south of the lock-up area. He said it sounded like a panic-type knock. Deputy Tack said he, along with everyone else in the lock-up area, except for the officer working the control booth, responded to Cell "K." He said a "CA" opened the window, looked inside, and then opened the cell door. He said the victim stepped outside. Deputy Tack said he could see that the inmate's face was covered in blood. Deputy Tack said the inmate told him he had been assaulted. Deputy Tack said as he lead the inmate to the attorney room to investigate, the inmate told him he was dizzy. Deputy Tack said he asked the inmate if he was desirous of prosecution, and the inmate replied yes and agreed to point out the inmates who had assaulted him.

Deputy Tack said he read the inmate, Jaime Jimenez, an admonition card regarding identification of suspects. He said Inmate Jimenez said he understood. They proceeded to identify the suspects. Deputy Tack said after Inmate Jimenez saw the first inmate, he clammed-up and decided he better think about his personal safety, rather than identifying people. Deputy Tack said Inmate Jimenez said he no longer wanted to participate in the identification show-up.

Deputy Tack said the Fire Department showed up and started treating the victim for his injuries. He said he handcuffed Inmate Jimenez' right arm to the gurney before they moved him outside.

IAB Note: See Deputy Tack's verbatim transcript for further information.

OPINA, Ismael

Deputy Opina said he heard loud banging on one of their holding cells. He said it sounded frantic, louder than the banging that he has heard in the past. He said he went over to the cell and Deputy Rosales and CA Thomas were there, and the door was already open. He said an inmate walked out, who looked like he had been beaten up. Deputy Opina said the inmate's face was bloody and the inmate had a two inch cut in the middle of his forehead.

Deputy Opina said he walked past the bloody inmate and directly into the cell with Deputy Rosales. He said they had the inmates inside the cell sit down and they immediately conducted an investigation. He said they searched for anyone who looked like he may have been involved in a fight. Deputy Opina said they noticed one inmate, who had scratches on his chest and hands. He said the inmate had a tattoo on his head that said "Dirty South," and the number "13." They took him out of the cell along with two other inmates and separated them from everyone else. Deputy Opina said he primarily helped move inmates regarding the identification show-up and was not involved in any discussion with the inmates.

IAB Note: See Deputy Opina's verbatim transcript for further information.

ROSALES, Daniel

Deputy Rosales said it was about 1640 hours when he heard a bunch of knocking coming from the Hispanic Tank, "K" tank. He said a group of employees responded over to the door. He said CA Thomas opened the window and looked inside. He said he was still walking over to the tank when another deputy opened the door. He said when the door was opened, an inmate walked out. Deputy Rosales said he saw that the inmate's face was full of blood, but he could not tell what the extent of his injuries were. He said he saw a two inch laceration on the inmate's forehead, that bled continuously. Deputy Rosales said he went inside "K" tank with a couple of deputies and they had all of the inmates sit down. He said they checked their faces, hands, knuckles, and upper torsos for signs of heavy breathing, blood, and red knuckles. He said they identified two inmates who showed signs of being involved in a fight. They took them out of the cell and separated them from the other inmates. The inmates were identified as Johnny Garcia and Randy Ortiz.

Deputy Rosales said he spoke to the victim along with Deputy Tack. He said Deputy Tack read Inmate Jimenez an admonition card and Inmate Jimenez said he was desirous of prosecuting his attackers. Deputy Rosales said Inmate Jimenez seemed eager to want to point out who the suspects were. He said they walked the first inmate over inmate Jimenez, he was not able to positively identify him as one of the inmates that assaulted

him. Deputy Tack said before they brought the next inmate out, Inmate Jimenez said he did not want to go any further because he feared for his safety. Deputy Tack said Inmate Jimenez wanted to work out a release deal where he could be released if he identified the suspects that were involved. Deputy Tack said Inmate Jimenez kept reiterating that he feared for his life and said he kept saying, "I want to be released." "I want to be released." Deputy Tack said Inmate Jimenez told him he feared for his life, and said, "They'll kill me."

Deputy Rosales said the Paramedics arrived and started tending to Inmate Jimenez and treating his injuries. Deputy Rosales said he went inside the office and prepared information for the deputies that were going to the hospital with the suspect. Deputy Rosales said he walked the medics outside with Inmate Jimenez on the stretcher. He said they "screwed" him into the ambulance. Deputy Rosales said he asked him if he was in pain or anything, and Inmate Jimenez kept pointing at his cheek and saying, "Oh, my cheek hurts, my cheek hurts."

IAB Note: See Deputy Rosales' verbatim transcript for further information

THOMAS, Makeba

CA Thomas said while working at her station, she heard a knock on one of the cell doors. She said she walked towards the door, looked through the window on the door and saw Inmate Jimenez standing there with blood on his face. She said she opened the door, and Inmate Jimenez stepped out. CA Thomas said she heard Inmate Jimenez mumbling about someone beating him up. She said when he stepped out, deputies approached and walked him to the side. She said other deputies went into the cell. CA Thomas said She stood by outside of the cell and watched as the deputies were in the cell conducting an investigation.

IAB Note: See Officer Thomas' verbatim transcript for further information

GARCIA, Ed

Deputy Garcia said he was working as Assistant Supervisor in the lock-up area on the day of this incident. He said there was an inmate fight in cell "K." He said he had Deputies respond to cell "K." He said when they took Inmate Jimenez out of the cell, he saw blood coming from Inmate Jimenez' face area. He said he observed that Inmate Jimenez had a one inch laceration on his forehead, scratches on the side of his cheek, and his cheek was slightly swollen. Deputy Garcia said Inmate Jimenez was placed in a single man cell in order to isolate him from other inmates. Deputy Garcia said he went to the cell to check on Inmate Jimenez' welfare and to talk to him about what happened. Deputy Garcia said Inmate Jimenez told him that a couple of guys beat him up, and he didn't know why. Deputy Garcia said Inmate Jimenez told him he would be able to identify them. Deputy Garcia said Inmate Jimenez told him that if he gets released today, he would identify them, if not, he was not going to say anything.

Deputy Garcia said he then went back to his office in order to call a couple of deputies to go to the hospital with Inmate Jimenez. Deputy Garcia said paramedics arrived and determined that Inmate Jimenez needed to be transported to the hospital for further medical treatment. He said Inmate Jimenez was put on a Gurney, and taken to the hospital. Deputy Garcia said that approximately twenty minutes later, Deputy De La Torre received a call from one of the deputies who had escorted Inmate Jimenez to the hospital. He said the deputy stated they were in the city of Paramount stopped at the intersection of Alondra Blvd. and Orange Avenue, and the ambulance driver did not want to continue because the inmate in the back of the ambulance had gotten into a scuffle with the deputy and he wanted additional deputies there in order to continue on to the hospital. He said at that point it was not relayed to them what kind of situation had occurred other than the inmate was being uncooperative, and they wanted an additional deputy to respond to the hospital.

Deputy Garcia said he, Deputy Cobarrabais, and Deputy Padilla responded to the intersection of Alondra Blvd. and Orange Avenue. He said ten minutes after getting the call, he heard SCC putting out information, requesting the LA County Fire Department at the intersection of Alondra Blvd. and Orange Avenue. He said when they arrived at the location Deputy Macias-Esplana and Deputy Barker were standing outside of the ambulance with the back doors open, and he could see the ambulance attendants giving the inmate CPR. He said that while he was there, the Fire Department arrived and took over. Deputy Garcia said the Fire Department transported Inmate Jimenez to the hospital, where he was pronounced dead.

IAB Note: See Deputy Garcia's verbatim transcript for further information

COBARRABAIS, Omar

Deputy Cobarrabais said he received a call via telephone stating that Senior Garcia needed him to go to Alondra Blvd. And Orange Avenue regarding an inmate that was being transported to the hospital that attempted to grab one of the deputies' that was escorting him guns.

IAB Note: Deputy Garcia said when they were responding to the Intersection they did not know what kind of situation had occurred, other than the inmate was being uncooperative, and they wanted an additional deputy to respond to the hospital

He said when they arrived at the scene, the EMT crew was applying first aid. He stated that the Fire Department arrived while they were there. Deputy Cobarrabais stated he did not observe any of the force that occurred.

IAB Note: See Deputy Cobarrabais' verbatim transcript for further information

NON EMPLOYEE WITNESSES

[redacted]

[redacted] an Emergency Medical Technician for Car Ambulance Company said that on the day of the incident, he and his partner, [redacted] responded to a medical call in the lock up area of the Compton Courthouse. He said upon their arrival they were contacted by personnel from Compton Fire Department, and learned that the patient, Inmate Jimenez, had been assaulted. EMT [redacted] said he spoke to the inmate, who appeared to be alert, oriented and cooperative. He said the inmate said he only spoke Spanish, so he spoke to him in Spanish. He said the inmate complained of pain to his face but had no other complaints. He said he saw a laceration on the inmate's forehead, and during his assessment, located another laceration on the right side of the inmate's chin. He said the inmate told him he had been attacked in the face, but nowhere on his body. He said the inmate denied any other medical complaints or conditions.

EMT [redacted] said once Inmate Jimenez was taken into the ambulance , the inmate told him he was feeling dizzy. He said the inmate became quiet, but did not seem aggressive. He said they began to drive to the hospital and Deputy Barker was in the rear of the ambulance with the inmate who was partially reclining on the gurney (semi-fielder) at an approximate 45 degree angle. EMT [redacted] said he was seated on the small seat behind the inmate's head and Deputy Barker was seated on the bench to the left of the inmate. He said he was getting ready to take another set of the inmate's vital signs. He said before he could apply the blood pressure cuff, the inmate yelled something unintelligible, and wretch for the Deputy Barker's gun. He said he did not see if the inmate actually grabbed the deputy's gun, but he saw the inmate reach toward the holster area. He said he yelled "Gun!" to alert his partner that there was a problem.

EMT [redacted] said Inmate Jimenez was trying to work Deputy Barker's gun out of his holster with his hand. He said the inmate made a pulling motion away from the holster, but came out empty handed. He said both he and Deputy Barker tried to grab the inmates's arm in an effort to control him. He said the inmate turned to the side and reached for the shelves on the inner wall of the ambulance and tried to grab objects from the shelves and kept trying to open the shelf doors.

EMT [redacted] said the inmate tried to punch Deputy Barker, and began kicking. He said Deputy Barker defended himself and punched the inmate once in the jaw. He said the punch temporarily stunned the inmate and he and the Deputy were able to lean on the inmate's upper body, and were able to partially control him. EMT [redacted] said he was trying to reason with the inmate during the entire incident. He said the inmate began to curse in English, and then said, "I give up." He said they briefly released their pressure on the inmate, but he immediately began to struggle and kick again.

EMT [redacted] said his partner, EMT [redacted] opened the ambulance doors and went to alert

the deputy who was following the ambulance. He said EMT [redacted] and Deputy Macias-Esplana got into the back of the ambulance and helped to subdue the inmate's legs. He said although the inmate was restrained, he continued to kick, bite, punch, and scratch. He said he placed a paper mask on the inmate's face in effort to prevent him from biting. He said at one point, the inmate grabbed Deputy Macias-Esplana's hand and held it, then let it go. He said the inmate tried to grab his hands, but he was able to hold the inmate's hand instead.

EMT [redacted] said that during the time of the struggle with the inmate, he was near the inmate's head while restraining his shoulder area. He said Deputy Barker was next to him restraining the inmate's chest area, Deputy Macias Esplana was restraining the hip/leg area, and EMT [redacted] was restraining the legs. He said the inmate's airway was never obstructed.

EMT [redacted] said at some point, the inmate's left hand was handcuffed to the gurney. He said EMT [redacted] was placing soft restraints on the inmate's legs, and the inmate's ankles had been handcuffed to the gurney. He said they were trying to get the inmate repositioned on his back, because it was a better position for treatment and they were going to apply a chest strap to restrain him. He said the inmate continued to resist and struggle during the entire incident until he noticed a change in the inmate's breathing. He said he asked the others if they noticed any movement by the inmate. He said Deputy Macias-Esplana said she noticed his hand moving, and EMT [redacted] noticed a change in color of the inmate's lips when he removed the inmate's mask. He said the inmate then urinated on himself, and EMT [redacted] confirmed the inmate was unconscious. He said they positioned the inmate on his back and were unable to detect a pulse. He said they then began CPR continued CPR for several minutes until Fire Department personnel arrived and continued treatment and transportation of the inmate.

IAB Note: See EMT [redacted] verbatim transcript for further information

[redacted]

[redacted] an Emergency Medical Technician for Car Ambulance Company said that on May 7, 2009, he and his partner [redacted] responded to a medical call in the lock-up area of the Compton Courthouse. He said when they arrived, he saw Inmate Jimenez with blood on his face, standing in the lock-up area. He said the inmate was asked to sit on the gurney, and he complied. He said the inmate was calm and cooperative and followed all commands given to him. He said he and his partner were briefed by Compton Fire Department personnel, who related that the inmate had "mouthed off" to a gang member and had been punched once. He said the inmate spoke only in Spanish and his partner spoke Spanish to the inmate.

EMT [redacted] said he and his partner EMT [redacted] transported the inmate toward Lakewood Regional Hospital. He said they were accompanied by Deputy Barker who rode in the back of the ambulance and Deputy Macias-Esplana, who followed the ambulance in a radio car.

He said the inmate was restrained with his right wrist handcuffed to the gurney. He said Ambulance protocol is that one arm be left unrestrained so that treatment can be easily facilitated. He said that while stopped at the light, eastbound on Alondra Boulevard, at Orange Avenue, He heard someone yell, "gun!" He said he heard commotion in the rear of the ambulance. He said he placed the ambulance in park, turned on his emergency lights, hoping to alert the following deputy of a problem. He said he exited the driver's door and went to the rear ambulance doors to assist.

EMT [redacted] said when he opened the back doors of the ambulance, he saw the inmate kicking and thrashing violently. He said that his partner EMT [redacted] and Deputy Barker actively trying to restrain the inmate's upper body. He said he saw blood on the small seat on the left side.

He said the inmate was laying on his right side, with his head resting on the small seat. He said the inmate was kicking violently with his feet. He said Deputy Barker and EMT [redacted] were restraining the inmate's arms, by holding his arms and leaning their body weight on him. He said he laid across the inmate's legs, because they were the only unrestrained portion of the inmate's body. He said Deputy Barker was telling the inmate to "relax" and to "stop." He said EMT [redacted] was also speaking to the inmate in Spanish.

EMT [redacted] said Deputy Macias-Esplana also came into the ambulance and placed herself between EMT [redacted] and Deputy Barker. He said she then assisted in restraining the inmate's hip and upper leg areas. He said she was also telling the inmate to stop fighting. EMT [redacted] said the inmate was trying to actively swing his left arm. He said they tried to turn the inmate onto his back so they could handcuff his arm to the gurney. He said within one to two minutes, they were able to handcuff the inmate's left arm to the gurney.

EMT [redacted] said he suggested to Deputy Macias-Esplana that she call for more help. He said she placed a call on her cell phone and requested for deputies to be sent to their location. He said the inmate continued to fight and kick even though he was restrained. EMT [redacted] said, at times the inmate seemed to relax, but when they would begin to release their hold, the inmate would begin to fight again. EMT [redacted] said Inmate Jimenez did not appear to be very strong, but he was, in fact, very strong as he fought against them. He said he did not see the inmate land any punches and neither did any of EMT's or deputies strike the inmate.

EMT [redacted] said once they had Inmate Jimenez restrained, he did not feel the inmate could do any damage, but he felt the inmate was not under control, and they could not release their restraint of him. He said he tried to apply soft restraints to the inmates legs, but since the inmate was kicking and moving so strongly, he was unable to apply the restraint to each leg, so he tried to apply the restraint across the inmate's legs. He said it didn't assist in restraining the inmate's legs. He said Deputy Macias-Esplana put handcuffs on the inmate's ankles, which held the inmate's legs together, but did not hold his legs down.

EMT [redacted] said while restraining the inmate, he noticed the inmate's body go flaccid and

the inmate urinated. He said he looked at the inmate and noticed that his breathing had changed. He said the inmate's breathing was so shallow that he could not detect it. He said EMT [redacted] said he could detect the inmate's breathing, but the inmate was not breathing correctly. He said he was uncertain of the exact length of time involved, but said it felt like this occurred after approximately after 15 minutes.

EMT [redacted] called dispatch and requested the fire department to respond to their location to assist with medical treatment. He said he reported that deputies had been involved in a fight with the inmate, and the inmate was now unconscious. He said he returned to the rear of the ambulance and attempted to get a blood pressure reading on the inmate, but was unsuccessful. He said EMT [redacted] was not able to detect a pulse. He said his beeper began to go off and he could hear the dispatcher ask for their location. He said approximately two minutes after he made the first call, he made a second call to the dispatcher, confirmed their call, and requested help.

EMT [redacted] said he and EMT [redacted] continued to treat the inmate, placing an airway and giving the inmate ventilation. He said he began to wonder why other deputies had not responded. He said Deputy Macias-Esplana placed a second call on her cell phone for assistance. He said he and EMT [redacted] began CPR on Inmate Jimenez. He said after approximately three rounds of CPR, he asked the deputies to use their radio to call for Los Angeles County Fire. He said Deputy Barker made the request and fire personnel and deputies arrived approximately four minutes later.

EMT [redacted] said it is common practice to determine whether it is faster for paramedics to respond to their location, or for the ambulance to respond to the hospital. He said he knew their location was closer to County Fire Station 31, located in Paramount, than to the hospital, so they waited for fire to respond. He said he knew the hospital was approximately seven to eight minutes away, and the fire station was only approximately ½ mile away.

INMATE WITNESSES

[redacted]

Inmate [redacted] said he was in the holding cell and noticed Inmate Jimenez was a "little off" mentally. He said Inmate Jimenez was being harassed verbally all day by "gangsters" in the holding cell. He said that Inmate Jimenez pointed out to some gangsters that water had spilled on their blue jail shirts that were laying on the bench. Inmate [redacted] said Inmate Jimenez was holding a bag of water, and he believes that the gangsters thought Inmate Jimenez spilled the water on their shirts.

Inmate [redacted] said one of the gangsters who was wearing a white T-shirt said he needed to get his frustrations out on somebody, so he hit Inmate Jimenez 3-4 times in the face. He said the other gangster who was shirtless said he also needed to get his frustrations out, so he also hit Inmate Jimenez 3-4 times in the face. He said Inmate Jimenez fell to the ground, and the shirtless suspect kicked him really hard once or twice in the face. He

said Inmate Jimenez started bleeding profusely from his face, and at no time did he try to defend himself. Inmate [redacted] said the attack occurred for approximately thirty seconds.

Inmate [redacted] said Inmate Jimenez crawled toward the holding cell door, and the suspects threw tissue and a T-shirt at him and told him to clean himself up. He said the suspects attempted to hold Inmate Jimenez away from the door and told him not to knock on the door. He said Inmate Jimenez made it to the door and banged on it. He said deputies entered the holding cell and removed Inmate Jimenez and the two suspects. He said deputies entered the holding cell and examined the remaining inmate's hands for any injuries.

Inmate [redacted] said one of the suspects who hit Inmate Jimenez was wearing glasses. He said both suspect's had several tattoos. Inmate [redacted] said the two inmates who deputies removed from the cell after the altercation were the inmates who attacked Inmate Jimenez. He said the suspect who was wearing a white T-shirt attempted to remove blood from his shirt prior to deputies entering the holding cell. He said that suspect also had blood on his forehead and hands, and he washed the blood of in the sink prior to deputies entering the holding cell. He said the other suspect put his white T-shirt on when deputies entered the holding cell because he had blood on his upper torso. He said the suspect also had blood on his hands, but he washed it off prior to the deputies coming in the cell.

Inmate [redacted] said the two suspects were intimidating the other inmates in the holding cell the entire day. He said they were taking the inmate's shoes and keeping the ones that were newer than the ones they were wearing. He said the two suspects made reference to their gang affiliation, but he didn't pay attention to what gang they were from.

[redacted]

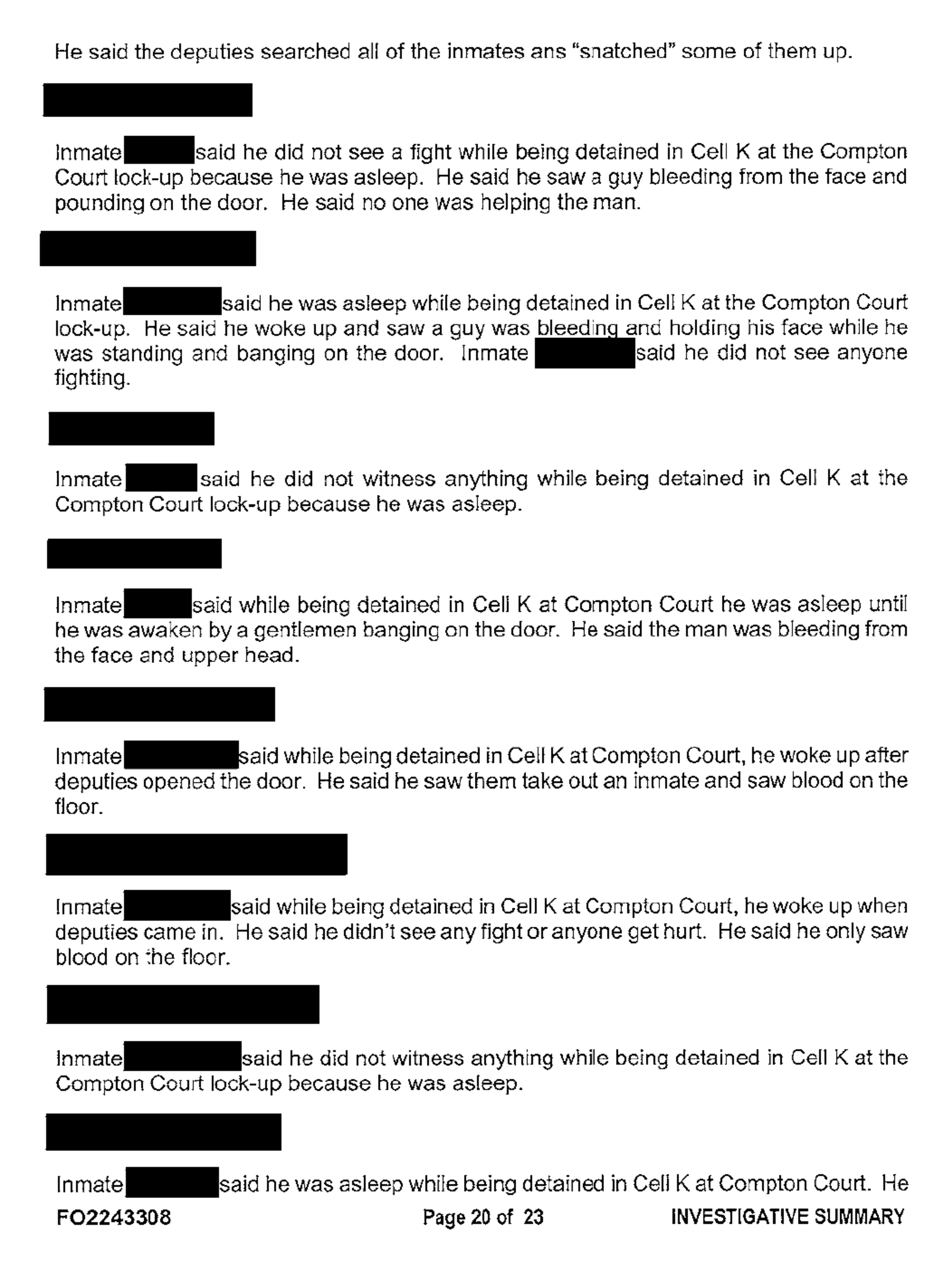
Inmate [redacted] said he was asleep and woke up when deputies came in the cell. He said he didn't see a fight or see anyone get hurt. He said he did see blood on the floor of the cell.

[redacted]

Inmate [redacted] said he did not witness anything while being detained in Cell K at the Compton Court lock-up because he was asleep. He said he woke up when he heard Inmate Jimenez moaning and banging on the door. He said deputies opened the door and removed Inmate Jimenez. He said deputies then entered the holding cell and told the inmates to sit up. He said the deputies examined all of the inmates hands for injuries. He said they then removed two "South Side Gangster" looking inmates from the cell.

[redacted]

Inmate [redacted] said he did not witness anything while being detained in Cell K at the Compton Court lock-up. He said he was on the telephone when deputies entered the cell.



He said the deputies searched all of the inmates ans "snatched" some of them up.

[redacted]

Inmate [redacted] said he did not see a fight while being detained in Cell K at the Compton Court lock-up because he was asleep. He said he saw a guy bleeding from the face and pounding on the door. He said no one was helping the man.

[redacted]

Inmate [redacted] said he was asleep while being detained in Cell K at the Compton Court lock-up. He said he woke up and saw a guy was bleeding and holding his face while he was standing and banging on the door. Inmate [redacted] said he did not see anyone fighting.

[redacted]

Inmate [redacted] said he did not witness anything while being detained in Cell K at the Compton Court lock-up because he was asleep.

[redacted]

Inmate [redacted] said while being detained in Cell K at Compton Court he was asleep until he was awaken by a gentlemen banging on the door. He said the man was bleeding from the face and upper head.

[redacted]

Inmate [redacted] said while being detained in Cell K at Compton Court, he woke up after deputies opened the door. He said he saw them take out an inmate and saw blood on the floor.

[redacted]

Inmate [redacted] said while being detained in Cell K at Compton Court, he woke up when deputies came in. He said he didn't see any fight or anyone get hurt. He said he only saw blood on the floor.

[redacted]

Inmate [redacted] said he did not witness anything while being detained in Cell K at the Compton Court lock-up because he was asleep.

[redacted]

Inmate [redacted] said he was asleep while being detained in Cell K at Compton Court. He

said he woke up when a guy started banging on the door, but did not see anything else.

[redacted]

Inmate [redacted] said while being detained in Cell K at Compton Court he did not see anything. He said he was sleeping. He said he woke up when he heard a scream and saw a guy go to the door and start knocking. He said he also saw blood stains on the floor.

[redacted]

Inmate [redacted] said while being detained in Cell K at Compton Court, he was sleeping until someone tapped him on his leg. He said he woke up and saw an inmate standing at the door bleeding. He said the inmate looked like he was dizzy and did not look normal. Inmate [redacted] said prior to falling asleep, he noticed Inmate Jimenez was acting in a strange manner. He said Inmate Jimenez acted like he was "not all there." He said Inmate Jimenez was walking up and down the cell, talking "nonsense." He said he heard another inmate say that Inmate Jimenez was "acting a fool" during his court appearance. Inmate [redacted] said he felt Inmate Jimenez should have been housed in a medical dorm because, "He wasn't acting right."

[redacted]

Inmate [redacted] said while being detained in Cell K at Compton Court, he was asleep until he woke up to yelling and saw Inmate Jimenez bleeding and banging on the door.

[redacted]

Inmate [redacted] said while being detained in Cell K at Compton Court, he was asleep on the bench next to the sink when he heard the Inmate Jimenez moaning and yelling loudly. He said he woke up and saw Inmate Jimenez was bleeding from his face and swinging his arms at an inmate who was wearing a green colored trustee shirt. He said it looked like the inmate wearing the green shirt was trying to help Inmate Jimenez and telling him to sit down. He said other inmates in the cell were throwing tissue in Inmate Jimenez' direction.

Inmate [redacted] said Inmate Jimenez walked over to the door, banged on it and yelled for help. He said deputies opened the door and let Inmate Jimenez out. He said deputies walked in and told everyone to show their hands and take off their shirts. He said the deputies removed two "gangster" looking male Hispanics with shaved heads from the holding cell.

INMATE WITNESSES CONT.

[redacted]

Inmate [redacted] said he was lying down in the holding cell when he saw Inmate Jimenez lying face down on the floor bleeding profusely from his face area. He said there was no one around Inmate Jimenez. Inmate [redacted] said Inmate Jimenez was trying to get up and other inmates were trying to convince him to sit down. He said Inmate Jimenez ran to the door screaming, and knocked on the door. He said deputies opened the door and Inmate Jimenez told deputies that someone beat him up. Inmate [redacted] said he did not observe how Inmate Jimenez obtained his injuries.

[redacted]

Inmate [redacted] said he was in the holding cell talking to other inmates when he heard an argument and saw inmates fighting. He said some inmates stood in from of him and blocked his view of the fight. He said he couldn't see who was involved in the fight. He said all he could see was Inmate Jimenez bleeding from his face and trying to stand up. He said other inmates were trying to help him stand up, but Inmate Jimenez was pushing them away. He said Inmate Jimenez then stood up, went over to the holding cell door, and yelled for help. He said deputies opened the door and removed Inmate Jimenez from the holding cell. He said deputies entered the cell and asked the remaining inmates for their booking numbers. He said he did not see who hit suspect Jimenez.

SUSPECT STATEMENTS

ORTIZ, Randy

Inmate Ortiz said he is a gang member from Paramount and his moniker is "Lil Boxer." He said he is in custody for [redacted] and he was attending court to fight a [redacted] case. He said he had just come back from the courtroom and had been in the "K-tank," for ten minutes. He said he was laying down on the bench near the toilet asleep, and he really didn't pay attention to what was going on inside of the cell. He said, all he heard was that "the weirdo dude" spilled water on somebody and had gotten beat up. Inmate Ortiz said, "it ain't nothing new, a lot of people get beat up in there."

Inmate Ortiz said he woke up when he heard Inmate Jimenez getting beaten up. He said he heard a couple of "hits." He said he saw Inmate Jimenez get up and start running around "wild," with blood all over him. He said that Inmate Jimenez ran to the green gate. He said Inmate Jimenez had been walking around all day acting weird, mumbling, and sitting on people's "shit." He said he could see where people would probably get "fucking pissed off, sit the fuck down already!" Suspect Ortiz stated, "He's walking around, keep passing by me, you know, he sat on my shirt. Watch Out! He spilled water on somebody."

Suspect Ortiz said he did not assault Inmate Jimenez and he did not know who hit him. He said the deputies took him out of the holding tank because his hands were red. Suspect Ortiz said his hands were red because he was lying down on them while sleeping on the bench.

GARCIA, Johnny

Inmate Garcia said Inmate Jimenez, "had gotten them wet," and he and Inmate Jimenez got into a verbal altercation. He said the inmate disrespected him by saying "fuck you." He said he socked the Inmate once in the face. He said the Inmate ran to the door and started banging on it.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

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April 23, 2010

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J. S. I. D. File No. 09-0299
L.A.S.D. File No.: 009-11549-1366-058

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the May 7, 2009, death of Jamie Jimenez while in the custody of Los Angeles County Sheriff's Deputies Joseph Barker and Fatima Macias-Esplana. We conclude that the deputies involved have no criminal liability in the death of Jimenez.

The following analysis is based upon our examination of the investigative file prepared by the Los Angeles County Sheriff's Department (LASD), which included investigative reports, property reports, analyzed evidence reports, and witness' statements submitted to the District Attorney's Office by Sergeant Mitchell Loman on March 12, 2010. The District Attorney Command Center was notified of the in-custody death at approximately 7:25 p.m. on May 7, 2009. The District Attorney Response Team, comprised of Deputy District Attorney Christina Buckley and District Attorney Senior Investigator [redacted] responded to the scene. They were given a briefing of the circumstances surrounding the death, but did not view the ambulance where the incident occurred. Compelled statements were not considered in our analysis.

FACTUAL ANALYSIS

On May 7, 2009, Deputy Fatima Macias-Esplana was assigned to the main lock-up at the Compton Courthouse. At approximately 4:40 p.m., while assisting with the releasing of inmates, she heard yelling and banging coming from the door of cell "K."[1] Macias-

[1] The "K" cell housed Hispanics males.

Esplana and Custody Assistant (CA) Makeba Thomas opened the door and observed inmate Jamie Jimenez bleeding.

Deputy Joseph Barker was working inside of the control booth when he heard a pounding sound coming from cell "K." Barker saw Thomas and Macias-Esplana responding to the cell and trailed behind. When Barker reached the cell, Thomas and Macias-Esplana were escorting Jimenez to an interview room to have his injuries assessed. Barker noticed that Jimenez had a laceration on his forehead and was bleeding. Jimenez said that inmates beat him.

Compton Fire Department Paramedics treated Jimenez for a two-inch laceration on his forehead that was bleeding profusely and a laceration to his chin. Jimenez mentioned that he was experiencing dizziness, but was conscious and conversational with the deputies. Jimenez also complained of pain to the area around his right cheek, but nowhere else. Based on the nature of the injuries Jimenez sustained to his head, paramedics determined that he needed to be transported via ambulance to the hospital for additional medical care.

Barker and Macias-Esplana were tasked with accompanying Jimenez via ambulance to the hospital for further treatment. Barker rode in the back of the ambulance seated to the left side of Jimenez. Emergency Medical Technician (EMT), [redacted] sat behind Jimenez's head. They left the courthouse without incident. Macias-Esplana followed the ambulance in a marked black and white patrol vehicle.

In the ambulance, Jimenez's right hand was cuffed to the gurney and his left hand remained free. While en-route to the hospital, Barker attempted to ask Jimenez questions about what had happened, but Jimenez was unresponsive. Jimenez quietly laid on the gurney, frequently touching his wounds.

As the ambulance approached the intersection of Alondra Boulevard near Orange Avenue in the City of Paramount, Jimenez became agitated and without warning attempted to grab Barker's gun with his free left hand. Barker swept Jimenez's hand away with his arm, holding on to the holster of his gun. According to [redacted] Jimenez was trying to "work the holster," but "came out empty-handed." [redacted] and Barker attempted to grab Jimenez's arm, but Jimenez turned on his side trying to grab objects on the shelves of the ambulance. Not finding any type of weapon, [redacted] indicated that Jimenez tried to punch Barker and began kicking at him. Fearing that Jimenez would take his gun and use it against him, Barker punched Jimenez twice on the left side of his face. However, Barker's preventative actions did not detour Jimenez, as he tried to take Barker's gun a second time.

Barker was able to grab Jimenez's left hand, but, Jimenez became so combative he was unable to put the handcuff on Jimenez' s left hand. Jimenez tried to get up and began violently kicking his feet in an effort to break free. Neither Barker nor [redacted] could control Jimenez. Barker yelled to the ambulance driver, [redacted] to stop and contact Macias-Esplana for help.

Macias-Esplana following behind the ambulance saw [redacted] stop, jump-out, and flag her down. Macias-Esplana entered the back of the ambulance and attempted to aid Barker in subduing Jimenez.

Macias-Esplana held Jimenez's legs while he was violently kicking and struggling. All four struggled with Jimenez for several minutes in an effort to restrain him. Eventually, they were able to handcuff his left hand and restrain his legs. During the entire incident, Barker, Macias-Esplana, [redacted] and [redacted] repeatedly ordered Jimenez to stop struggling. Jimenez responded, "Ok. I'll stop. I'll give up." However, Jimenez never stopped fighting.[2]

Once Jimenez's legs were secure, [redacted] placed a paper mask on Jimenez to thwart him from spitting on them. Macias-Esplana called for assistance. Without warning, Jimenez urinated on himself and stopped struggling. Jimenez lapsed into unconsciousness, stopped breathing, and went into full cardiac arrest. Los Angeles County Paramedics responded to the scene. Subsequently, Jimenez was transported to Lakewood Regional Hospital where Doctor Villanueva pronounced death at 6:55 p.m.

On December 14, 2010, Doctor Raffi Djabourian, Deputy Medical Examiner, performed an autopsy on the body of Jamie Jimenez. He opined the cause of death was multi-factorial based upon several mechanisms preceding death. Cardiac mechanism could be arrhythmia or dysrhythmia due to the combined effects of struggling exacerbated by coronary artery disease. The presence of fatty liver and no alcohol present combined with head trauma leading to subarachnoid hemorrhage could have caused seizure associated with alcohol withdrawal. Another potential cause of death was commotio cordis during the struggle in the ambulance and could not be excluded.[3] The restraint maneuvers could have led to an asphyxial mechanism of death, due to either facial or body compression possibly causing respiratory compromise and dysrhythmia.

The manner of death is also unclear. Deputy Medical Examiner Djabourian opined, given the initial assault at the jail, and subsequent restraint in the ambulance, other individuals contributing to death could not be excluded. A struggle initiated by the decedent could have caused a sudden cardiac arrhythmia even without any other mechanisms described above. Due to the above factors, the final cause of death was the effects of coronary artery disease (65% occlusion of the right coronary artery), blunt trauma and other un-established factors. The manner of death is undetermined.

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[2] EMT's [redacted] and [redacted] refused to transport Jimenez further until there was another deputy available to ride in the back of the ambulance with Barker.

[3] Commotio cordis is sudden cardiac dysrhythmia due to impact to the chest with no associated significant blunt injury.

LEGAL ANALYSIS

California Penal Code section 835a states that a police officer may use reasonable force to prevent escape or to overcome resistance.

California Penal Code section 192, defines the crime of involuntary manslaughter as the killing of a human being, without malice (intent), in the commission of an unlawful act not amounting to a felony or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection. The term "without due caution and circumspection" refers to a negligent act which is aggravated, reckless, and flagrant and which is such a departure from what would be the conduct of an ordinarily prudent, careful person under the same circumstances as to be in disregard for human life. *CALJIC* 8.46

Reasonableness is judged from the perspective of a reasonable officer at the scene considering the circumstances surrounding the use of force including: 1) whether the suspect poses an immediate threat to safety of the officers or others, 2) whether the suspect is actively resisting arrest, and 3) the severity of the crime at issue. Further, "[T]he 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. Finally, [The] calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." *Graham v. Conner,* (1989) 490 U.S. 368, 396-397.

CONCLUSION

The evidence examined in this investigation shows that shortly before Jamie Jimenez' demise, he was assaulted by inmates in the Compton Courthouse lock-up. While in the ambulance, and without warning, Jimenez attempted to seize Barker's service weapon in an apparent attempt to escape from custody. Jimenez attacked Deputy Barker. Fearing Jimenez would gain control over his service weapon and in self-defense, Barker struck Jimenez twice on the left side of his face. Despite this, Jimenez tried to take Barker's gun a second time. At that time, Deputy Macias-Esplana and EMT [redacted] were able to assist in restraining Jimenez.

Notwithstanding Deputies Barker and Macias-Esplana repeated orders to stop fighting, Jimenez continued to struggle with Deputies Barker and Macias-Esplana and the two EMT's [redacted] and [redacted] for several minutes, before they were finally able to restrain him. Once he was subdued, the deputies ceased their application of force. Shortly thereafter, Jimenez lapsed into unconsciousness and died.

According to the medical examiner, Jimenez's death was multi-factorial and the prior assault by the inmates could have contributed to his death. The cause and manner of death was undetermined.

Given the suddenness of Jimenez' attempt to take Deputy Barker's gun, his unwillingness to stop his violent attack, and resistance to the deputies efforts to control him, the use of force employed by Deputies Barker and Macias-Esplana was necessary to handcuff him.

We find that Deputies Joseph Barker and Fatima Macias-Esplana used reasonable force in subduing Jamie Jimenez and are not criminally liable for his death. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

CORENE S. LOCKE-NOBLE

Deputy District Attorney
(213) 974-3880

c: Officer Joseph Barker #[redacted]
Officer Fatima Macias-Esplana #[redacted]